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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/965,267	09/27/2001	Brian Alan Batke	01AB071	3455

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EXAMINER	
NGUYEN, DUSTIN	

ART UNIT	PAPER NUMBER
2154	

DATE MAILED: 08/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/965,267	BATKE ET AL.	
	Examiner	Art Unit	
	Dustin Nguyen	2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *31 May 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1 – 18 are presented for examination.

Response to Arguments

2. Applicant's arguments filed 05/31/2005 have been fully considered but they are not persuasive.

3. As per remarks, Applicants' argued that (1) Arndt fails to teach or suggest generating an identifying value that identifies a random period of time to wait before probing a network with which a probing entity desires to interact.

4. As to point (1), the previous Office Action mentioned Cole does not specifically teach the above limitation, Arndt discloses that limitation. Furthermore, Arndt teaches a period of time for monitoring the data traffic before sending or generating the ARP request to the target address [col 2, lines 55-col 3, lines 9; and col 11, lines 9-18]. It would have been obvious to combine the teaching Arndt with Cole because Arndt's teaching of period of monitored time would have enable correctly determined available network address to reduce address conflicting which leads to an increase in system performance.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cole et al. [US Patent No 5,854,901], in view of Arndt et al. [US Patent No 5,724,510].

7. As per claim 1, Cole discloses the invention substantially as claimed including a method for a probing entity to detect a duplicate IP address, the method comprising:

sending one or more first ARP probes onto the network with which the probing entity desires to interact [i.e. ARP request] [52, Figure 3; and col 1, lines 56-59];

determining whether a response to the first ARP probes indicates that there is a duplicate IP address conflict [i.e. ARP response] [54, Figure 3; Abstract; and col 3, lines 54-64];

determining whether the probing entity is connected to an active network [col 5, lines 1-25];

sending one or more second ARP probes onto the network with which the probing entity desires to interact [i.e. several ARP request] [29, Figure 5; and col 4, lines 33-38]; and

determining whether a response to the second ARP probes indicates that there is a duplicate IP address conflict [col 2, lines 20-28].

Cole does not specifically disclose

generating an identifying value that identifies a random period of time to wait before probing a network with which a probing entity desires to interact;

waiting a random period of time related to the identifying value.

Arndt discloses

generating an identifying value that identifies a random period of time to wait before probing a network with which a probing entity desires to interact [col 1, lines 28-34].

waiting a random period of time related to the identifying value [col 2, lines 23-33].

It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Cole and Arndt because Arndt's teaching would provide a method for detecting duplicate source IP addresses without disrupting the operation of a LAN [Arndt, col 3, lines 53-55].

8. As per claim 2, Cole discloses sending ARP probes until the probing entity is connected to an active network [72, Figure 4; and col 5, lines 42-56].

9. As per claim 3, Cole discloses not employing the potentially duplicate IP address until after all the processing associated with claim 2 has been completed [i.e. assign] 74, Figure 4].

10. As per claim 4, Cole does not specifically disclose wherein the length of the random period of time is generated by examining at least one of a GUID, a physical address, an IP address and a counter. Arndt discloses wherein the length of the random period of time is generated by examining at least one of a GUID, a physical address, an IP address and a counter [

col 1, lines 29-34]. It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Cole and Arndt because Arndt's teaching would prevent congestion and avoid collision for sending information in a network.

11. As per claim 5, Arndt discloses wherein the one or more first ARP probes contain the physical address of the probing entity and a potentially duplicate IP address [col 8, lines 13-18].

12. As per claim 6, Arndt discloses wherein the response to the first ARP probes contain the physical address of the probing entity, the physical address of a responding entity, the IP address of a responding entity and the potentially duplicate IP address [col 7, lines 4-14].

13. As per claim 7, Arndt discloses wherein determining whether a response to the first ARP probes indicates that there is a duplicate IP address conflict comprises comparing the potentially duplicate IP address of the response to the potentially duplicate IP address associated with the probing entity [Abstract].

14. As per claim 8, it is rejected for similar reasons as stated above in claim 5.

15. As per claim 9, it is rejected for similar reasons as stated above in claim 6.

16. As per claim 10, it is rejected for similar reasons as stated above in claim 7.

17. As per claim 11, Cole discloses wherein determining whether a probing entity is connected to an active network comprises at least one of (1) analyzing network traffic received by a network interface associated with the probing entity, (2) analyzing electrical signals received from hardware associated with the network with which the probing entity desires to interact and (3) analyzing BPDUS (Bridge Protocol Data Units) received by a network device associated with the network with which the probing entity desires to interact [col 8, lines 55-67].

18. As per claims 12-14, they are rejected for similar reasons as stated above in claims 1-3.

19. As per claim 15, it is rejected for similar reasons as stated above in claim 1. Furthermore, Cole discloses a probe generator [col 5, lines 56-64].

20. As per claim 16, it is rejected for similar reasons as stated above in claim 11.

21. As per claims 17 and 18, they are rejected for similar reasons as stated above in claim 15.

22. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dustin Nguyen whose telephone number is (571) 272-3971. The examiner can normally be reached on flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached at (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dustin Nguyen

Examiner

Art Unit 2154

JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100